

TOWN OF COOPERSTOWN  
MANITOWOC COUNTY, WISCONSIN

ORDINANCE 2022-07

AN ORDINANCE TO AMEND THE GENERAL CODE OF ORDINANCES OF THE  
TOWN OF COOPERSTOWN, MANITOWOC COUNTY, WI

The Town Board of the Town of Cooperstown, Manitowoc County, Wisconsin, pursuant to Secs. 60.22, 60.33 (1 l), and its village powers pursuant to Sec. 60.10, Wis. Stats., hereby amends the General Code of Ordinances of the Town of Cooperstown, and do ordain as follows:

10.05 OUTDOOR AND REFUSE BURNING.

SECTION 1: PURPOSE

1.00. Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Cooperstown, Manitowoc, County, Wisconsin due the to air pollution and fire hazards of open burning, outdoor burning and refuse burning.

SECTION 2: APPLICABILITY

2.00. Applicability. This ordinance applies to all outdoor burning and refuse burning within the Town of Cooperstown.

2.01. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.02. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this ordinance.

2.03. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY

3.00. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

4.00. Definitions

- 4.01. "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
- 4.02. "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
- 4.03. "Confidential Papers" means printed material containing personal identification or financial information that the owner wishes to destroy.
- 4.04. "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.
- 4.05. "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chimney.
- 4.06. "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
- 4.07. "Refuse" means any waste material except clean wood.

## SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE

5.00. General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the Town of Cooperstown unless the burning is specifically permitted by this ordinance.

## SECTION 6: MATERIALS THAT MAY NOT BE BURNED

- 6.00. Materials that may not be burned.
- 6.01. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Town of Cooperstown does not approve burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.
- 6.02. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business waste.
- 6.03. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- 6.04. Asphalt and products containing asphalt.
- 6.05. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- 6.06. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
- 6.07. Rubber including tires and synthetic rubber-like products.
- 6.08. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 11 of this ordinance.

## SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

7.00. Burning leaves, brush, clean wood and other vegetative debris. Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris is allowed only in accordance with the following provisions:

7.01. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroad or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

7.02. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

7.03. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources.

7.04. Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources.

7.05. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

7.06. Fires set for forest or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

7.07. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit.

7.08. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed and if in accordance with other provisions of this ordinance.

7.09. Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.

7.10. Open burning under this Section shall be conducted only after the Manitowoc County Dispatch Office (920)-683-4201 has been contacted as to where and what time the burning will take place. Call the Dispatch Office after the burn is done.

7.11. Except for campfires, open burning under this section shall only be conducted at a location at least 250 feet from the nearest building that is not on the same property.

7.12. Except for campfires and bonfires, open burning shall only be conducted from the hours of 7:00 – Dusk.

7.13. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

7.14. No materials may be burned upon any street, curb and gutter.

7.15. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Town Board.

## SECTION 8: BURN BARRELS

8.00 Burn Barrels. A burn barrel may be used in the Town of Cooperstown only in accordance with the following provisions:

8.01. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7 of this ordinance.

8.02. The burn barrel shall be located at least 25 feet from the property line.

8.03. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

8.04. The burn barrel shall not serve a business.

## SECTION 9: OUTDOOR WOOD-FIRED FURNACES

9.00. Outdoor wood-fired furnaces. An outdoor wood-fired furnace may be used in the Town of Cooperstown only in accordance with the following provisions as set by Manitowoc County Code under Chapter 8 subsection 8.41 "Outdoor Wood Burning Furnace" :

9.01. This section applies to detached energy systems such as an outdoor wood burning furnace or unit, but does not apply to lawfully operated barbeques, fire pits, fryers, or grills. It does not apply to the chimney attached to any structure, such as a residence or garage.

9.02 A zoning permit from Manitowoc County is required for any detached energy system.

9.03 No detached energy system may be located in a front yard.

9.04 Setbacks and Other Minimums

(a) A detached energy system must be setback at least 10 feet from any side or rear lot line.

(b) A detached energy system must be setback at least 200 feet from any residence on an adjacent parcel.

(c) The minimum stack height for any detached energy system is 20 feet, except that a lesser stack height which meets the manufacturer's minimum specifications is allowed for any system that is Phase 2 Qualified under the U.S. Environmental Protection Agency's 2008 Hydronic Heater Program.

(d) A detached energy system that was legally installed prior to the effective date of this ordinance may be replaced with a different unit in the same location.

9.05 The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance.

## SECTION 10: FIRE DEPARTMENT PRACTICE BURNS

10.00 Fire department practice burns. Notwithstanding Sections 5 and 6 of this ordinance, the Town of Cooperstown Fire Department may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

## SECTION 11: EXEMPTION FOR BURNING CERTAIN PAPERS

11.00. Exemption for burning certain papers.

11.01. Notwithstanding Subsection 6.07 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

11.02. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

11.03. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

11.04. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.01-7.03, 7.06 and 7.11-7.14 of this ordinance

## SECTION 12 BURNING PROCEDURES

12.00. Burning procedures.

12.01. No person shall start or maintain any open burning unless they have contacted the Manitowoc County Dispatch Office at (920)-683-4201 to notify them of when you will be starting the open burn and ending it.

12.02. An outdoor campfire does not require contacting the Manitowoc County Dispatch Office if the fire complies with all other applicable provisions of this ordinance.

12.03. When weather conditions warrant, the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend open burning. Check the Department of Natural Resource website to check for possible restrictions.

## SECTION 13: LIABILITY

13.00 Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

## SECTION 14: ENFORCEMENT AND PENALTIES

15.00. Enforcement and penalties.

15.01. The Town Board is authorized to enforce the provisions of this ordinance.

15.02. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than twenty-five dollars (\$25) or more than two hundred fifty dollars (\$250) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

REPEAL OF CONFLICTING ORDINANCES. Any existing ordinance of the Town of Cooperstown in conflict with any provision of this ordinance is hereby repealed by adoption hereof.

SEVERABILITY. If any provision of this Ordinance is for any reason found to be invalid or unconstitutional by a court of competent jurisdiction, such finding shall not affect the validity of any other provision of this Ordinance which shall remain in full force and effect.

EFFECTIVE DATE. This Ordinance shall be effective upon adoption by the Town Board and posting according to law.

Adopted the 13<sup>th</sup> day of December, 2022.

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|-----------------------------|-----------------|
| <u>W. O. B. B. B.</u>       | Town Chairman   |
| <u>T. H. H.</u>             | Town Supervisor |
| <u>That Proper voted NO</u> | Town Supervisor |
| <u>B. B. B.</u>             | Town Supervisor |
| <u>Michael W. Peters</u>    | Town Supervisor |

I hereby certify that the forgoing ordinance is a true and correct copy of an ordinance duly enacted by the Board of the Town of Cooperstown, Manitowoc County, Wisconsin at a regular meeting held on the 13<sup>th</sup> day of December, 2022 and in testimony whereof, I have set my hand on the 13<sup>th</sup> day of December, 2022.

Dated December 13, 2022

Attested Susan Kornely  
Susan Kornely, Clerk